

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
RAS Citron, LLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor PHH Mortgage as servicer for CITIBANK, N.A., as Trustee for MASTR Adjustable Rate Mortgages Trust 2007-HF2-Mortgage Pass Through Certificates, Series 2007-HF2 Aleisha C. Jennings, Esq. AJ-049302015	CASE NO.: 19-15723-VFP CHAPTER 13 Objection to Confirmation of Debtor's Chapter 13 Plan
In Re: Lena M. Lependorf Debtor.	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

PHH Mortgage as servicer for CITIBANK, N.A., as Trustee for MASTR Adjustable Rate Mortgages Trust 2007-HF2-Mortgage Pass Through Certificates, Series 2007-HF2 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 28), and states as follows:

1. Debtor, Lena M. Lependorf ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on March 21, 2019.
2. Secured Creditor holds a security interest in the Debtor's real property located at 1340 Mercedes Street, Teaneck, NJ 07666, by virtue of a Mortgage recorded on July 24, 2007 in Book 1413, at Page 359 of the Public Records of Bergen County, NJ. Said Mortgage secures a Note in the amount of \$999,000.00.
3. The Debtor filed a Chapter 13 Plan on April 18, 2019.
4. Secured Creditor filed a Proof of Claim in this case on May 1, 2019, Claim No. 1-1.
5. Debtor is over the 109(e) debt limit; therefore, the case should be converted to a Chapter 7 or Chapter 11 case.

6. Additionally, the Plan fails to mention the total amount of arrears owed. However, Secured Creditor's timely-filed Proof of Claim shows the pre-petition arrearage due Secured Creditor is \$1,014,545.73. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$1,014,545.73 as the pre-petition arrearage over the life of the plan.
7. Debtor's Plan evidences an intent to seek mortgage modification with Secured Creditor. Thus far, loan modification has not been offered or approved. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Citron, LLC
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By: /s/Aleisha C. Jennings
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CERTIFICATION OF SERVICE

1. I, Aleisha C. Jennings, represent PHH Mortgage as servicer for CITIBANK, N.A., as Trustee for MASTR Adjustable Rate Mortgages Trust 2007-HF2-Mortgage Pass Through Certificates, Series 2007-HF2 in this matter.
2. On 5/22/2019, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below: Objection to Confirmation of Debtor's Chapter 13 Pl
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

5/22/2019

RAS Citron, LLC
Attorney for Secured Creditor
130 Clinton Road, Suite 202
Fairfield, NJ 07004
Telephone Number 973-575-0707

By: /s/Aleisha C. Jennings
Aleisha C. Jennings, Esquire
NJ Bar Number AJ-049302015
Email: ajennings@rasnj.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Lena M. Lependorf 1080 Cambridge Road Teaneck, NJ 07666	PRO SE Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)